

REMARKS

In the Office Action of January 10, 2006, the Examiner rejects each and every one of the claims (Claims 11 - 20 and 28 - 36) under 35 U.S.C. § 103. The Examiner's detail in presenting its arguments in rejecting each of the claims is greatly appreciated.

As explained below, Applicant believes that each of the claims continue to be allowable and a Notice of Allowance is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

In the recent Office Action, the Examiner rejected the independent claims, Claims 11 and 28, in view of *Ahluwalia* (U.S. Patent No. 6,728,685) in view of *Roberts* (U.S. Patent No. 6,295,551) and further in view of *Rose* (U.S. Patent No. 5,309,513).

Ahluwalia

This reference discloses an internet website for selling cars, specifically those of the Ford Motor Company. This reference does not provide any suggestion for a "virtual" seller in the event that the primary sales operator, in this case the Ford Motor Company, is not available.

Roberts

Roberts discloses a network system for facilitating the negotiation and purchase of goods or services including a first real time communication link over a network for communicating transaction data and a second communication link for transmitting voice. As explained by the Examiner, *Roberts* also teaches accessing a second sales operator when a first sales operator is not accessible. However, as not explained by the Examiner, both the first and second sales operators are employees of a primary seller. *Roberts* does not provide any suggestion for utilizing a virtual seller, which is not the primary seller, but instead is a separate entity that maintains a database of the primary seller for selling the primary seller's goods such as when the primary seller is not available.

Rose

Rose describes an automated caller distributor (ACD) system in which a computer connects callers to agents via multiplexed telephone circuits. The persons are connected to agents based upon availability or special skill such as a form language of particular knowledge of a product. (See Column 4, lines 50 - 55). The system may include multiple ACD systems connected to multiple agents. Based upon caller demand or emergency situations, such as an ice storm, agents can be connected to different ACDs as required.

Rose does not indicate that the ACD system is to be used for sales. Moreover, even if there were a suggestion to use the system for sales, like *Ahluwalia* and *Roberts*, there is no suggestion that the ACD system is functioning as anything but a "primary " seller of a company.

In other words, there is no suggestion in *Rose* that the ACD systems functions to communicate, let alone sell, the products of another as claimed by Applicant.

Applicant's Invention

Claims 11 and 28 and their dependent claims, include the limitation that Applicant's invention includes both a "primary" seller and a "virtual" seller of goods or services. As claimed, the virtual sellers include a database of the goods or services of a primary seller. As clarified by previous amendments, the virtual sellers are not merely customer service reps. and are not merely ordinary sellers of their own goods or services. Instead, the virtual sellers provide a separate platform for selling the goods or services of the primary seller when the primary seller is incapable of completing a sales transaction. Such events may occur when the primary sellers employees have gone home for the day or when the primary seller has a company-wide vacation day. These virtual sellers still communicate through a real-time two-way data connection with the buyers. However, the virtual sellers take the place of the primary seller under predetermined conditions to complete sales.

The Combination of Ahluwalia, Roberts and Rose Does Not Create Applicant's Invention

Neither *Ahluwalia*, *Roberts*, nor *Rose* suggest a virtual seller for selling the goods of another. This is a feature found in every one of Applicant's claims. Thus, alone or even in combination, the cited references do not support a rejection of the claims under 35 U.S.C. § 103.

Roberts discloses switching from a first sales agent to a second sales agent, such as where the second sales agent has a relationship with the buyer. Both of the sales agents are representatives of the primary seller.

Similarly, *Rose* discloses an automatic called distributor system in which agents are allocated based upon need. However, there is no suggestion in *Rose* that the agents are sales agents or that they are selling the goods of another. At best, the combination of *Rose* and *Roberts* would suggest a sales network of the type described in *Roberts* which is capable of expanding in the event of an emergency, such as an ice storm, in accordance with the teaching of *Rose*. However, again, there is no suggestion that such sellers are “virtual” sales agents selling the goods or services of another party, a limitation in each of the claims.

Meanwhile, *Ahluwalia* describes an Internet website for selling cars. However, there is no suggestion within *Ahluwalia* from employing any type of “virtual” seller in the event that the primary sales operator, in this case Ford Motor Company, is not available.

Thus, the prior art, alone or in combination, does not suggest a sales system including a primary seller that is capable of selling its own goods or services, as well as a “virtual” seller which is not selling its own goods and does not maintain custody or control of the primary seller’s goods, but instead maintains a data base for enabling it to complete sales transactions. These are limitations found in each and every one of Applicant’s claims. Since the claimed features are nowhere suggested in the prior art, Applicant’s claims are allowable.

CONCLUSION

Allowance of the claims is respectfully requested. If there are any remaining issues to be resolved, it is respectfully requested that a telephone call be placed to the undersigned.

Respectfully submitted,

DRUMMOND & DUCKWORTH

A handwritten signature in black ink, appearing to read "David G. Duckworth", written in a cursive style.

David G. Duckworth
Registration No. 39,516
Attorney for Applicant
Telephone: (949) 724-1255